

1 MELINDA HAAG (CABN 132612)
United States Attorney
2 ALEX G. TSE (CABN 152348)
Chief, Civil Division
3 SABITA J. SONEJI (DCBN 974062)
Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055
5 San Francisco, California 94102-3495
Telephone: (415) 436-7298
6 FAX: (415) 436-6748
sabita.soneji@usdoj.gov

7 Attorneys for Federal Defendants

8 CHRISTOPHER SPROUL (SBN 126398)
9 PAGE PERRY (SBN 246266)
Environmental Advocates
10 5135 Anza Street
San Francisco, CA
11 Telephone: (415) 269-0066
Page.perry@gmail.com

12 Attorneys for Plaintiff

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 KLAMATH RIVERKEEPER,) CASE NO. 15-02670 JSW
18 Plaintiff,)
19 v.) JOINT STIPULATION EXTENDING TIME TO
20 NATIONAL MARINE FISHERIES SERVICE,) ANSWER OR RESPOND TO COMPLAINT AND
et al.,) TO CONTINUE RULE 26(f) CONFERENCE AND
Defendants.) PROPOSED ORDER AND SETTING CASE MANAGEMENT CONFERENCE
21) ON NOVEMBER 13, 2015
22)
23)
24)
25)
26)
27)
28)

1 **JOINT STIPULATION**

2 WHEREAS, the above-named Federal Defendants (“Defendants”) were served with the
3 underlying Complaint filed by Plaintiff Ecological Rights Foundation (“Plaintiff”) on June 20, 2015;

4 WHEREAS, on July 21, 2015, Plaintiff and Defendants (the “Parties”) filed a Stipulation
5 agreeing to an extension permitting Defendants to file an answer or other response to the Complaint on
6 or before August 24, 2015;

7 WHEREAS, Defendants produced a large volume of documents on July 31, 2015 and August 10,
8 2015 in response to Plaintiff’s April 29 and follow-up May 25, 2015 FOIA requests;

9 WHEREAS, Plaintiff is now in the process of reviewing those documents and needs additional
10 time to confirm details that will allow it to better conduct a conference of the parties as required under
11 Rule 26(f) such as: assessing whether the production is complete; whether any documents were
12 improperly withheld; whether Defendants performed adequate searches; and whether Defendants set
13 proper cut off dates for searches;

14 WHEREAS, after such time, the Parties will be better prepared to assess what position they
15 should take on settlement; whether they should stipulate or otherwise agree to narrow the issues in the
16 matter; and whether there are any other issues ripe for the Court’s review in this matter;

17 WHEREAS, this Court has set a Rule 26(f) Scheduling Conference for September 11, 2015 at
18 11:00 a.m.;

19 WHEREAS, the Scheduling Conference triggers the Parties’ duty to hold a Rule 26 Conference
20 of Counsel, exchange Initial Disclosures, and develop a plan for proceeding in this matter by August 21,
21 2015, and submit a Rule 26(f) Report by September 4, 2015;

22 WHEREAS, in light of the above-stated reasons, the Parties request a 60-day continuance of the
23 Rule 26(f) Scheduling Conference set for September 11, 2015, and the foregoing related dates, in a
24 further effort to preserve the resources of the Parties and the Court – no prior extensions have been
25 sought by either party with respect to these dates;

26 IT IS HEREBY STIPULATED by and between the Parties, through their undersigned counsel of
27 record, and subject to the Court’s approval, that:

28 1. Defendants will file an answer or other response to the Complaint on or before October

1 5, 2015;

2 2. The Rule 26(f) Scheduling Conference is continued by 60 days to November 11, 2015 at
3 11:00 a.m., or at a date convenient to the Court thereafter.

4 a. The Parties shall hold a Rule 26 Conference of Counsel and exchange Initial
5 Disclosures on or before October 21, 2015; and
6 b. The Parties shall file the Joint Scheduling Report on or before November 4, 2015.

7 3. All other deadlines not specifically referenced herein, and all other terms of the Court's
8 Order setting the Rule 26(f) Scheduling Conference, remain unchanged.

9
10 IT IS SO STIPULATED.

11
12 DATED: August 21, 2015

13 By: /s/ Page Perry
14 PAGE PERRY
15 Attorney for Plaintiff

16 By: MELINDA HAAG
17 United States Attorney

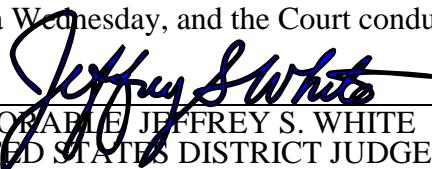
18 /s/ Sabita J. Soneji
19 SABITA J. SONEJI
20 Assistant United States Attorney
21 Attorneys for Federal Defendants

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

23 IT IS HEREBY ORDERED that the parties shall appear for a case management conference on Friday,
24 November 13, 2015, at 11:00 a.m., and their joint case management statement shall be due on November 6,
25 2015. The Court notes that the parties' proposed date is a Wednesday, and the Court conducts case
management conferences on Fridays.

26 DATED:

27 August 24, 2015

28 
HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

CERTIFICATION

Pursuant to Civil L.R. 5-1(i)(3), the undersigned hereby attests that Page Perry has concurred in the filing of this document.

Dated: August 21, 2015

MELINDA HAAG
United States Attorney

/s/ Sabita J. Soneji

SABITA J. SONEJI
Assistant United States Attorney
Attorney for Federal Defendants